



House Bill 442

Counties – Transportation Adequate Public Facility Law – State Highway Intersection

MACo Position: **OPPOSE**

To: Environment and Transportation Committee

Date: February 9, 2016

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** HB 442. The bill would usurp local land use decision-making authority and needlessly restrict county governments from updating their transportation Adequate Public Facilities Ordinances (APFOs) to reflect changing needs.

As MACo has testified many times before this Committee, APFOs are a valuable growth management and land use tool that can trigger when adequate infrastructure does not exist to handle new development. A variety of counties and municipalities have APFOs for critical infrastructure such as schools, water, public safety, and even services such as solid waste disposal.

According to a 2012 report by the Maryland Department of Planning, 14 counties have transportation APFOs: Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, Queen Anne's, St. Mary's, and Washington.¹ HB 442 would restrict those counties from ever modifying or altering their transportation APFOs regardless of changing growth patterns or needs; essentially eliminating its usefulness as a growth management tool.

Local land use autonomy is among the foundational principles held by both county governments and MACo. HB 442 would unnecessarily intrude on that authority by having the State Highway Administration (SHA) make what has traditionally been a local determination on whether an APFO threshold has been triggered. State agencies like SHA, the Maryland Department of Planning, and the Maryland Department of the Environment already possess numerous methods to offer input or influence land use decisions that affect their spheres of influence.

HB 442 would usurp traditional local land use decision-making authority and potentially limit the future usefulness of transportation APFOs that are used by a majority of Maryland's counties. Accordingly, MACo urges the Committee to issue an **UNFAVORABLE** report on HB 442.

¹ *Adequate Public Facility Ordinance (APFO) Inventory For Maryland Jurisdictions*, Maryland Department of Planning (May 10, 2012)